NEW YORK CITY.

THE COURTS.

UNITED STATES CIRCUIT COURT.

Frement Against the Kansas Pacific Rati-read-Remeval of a Cause from the State

John C. Fremont vs. The Kansas Pacific Railroad.—
This action was originally brought in the Supreme
Gourt of this State. The plainiff being the
resident of one State and the defendants
residing in another, and the amount in controversy exceeding 5000, defendants made a puttion to remove the trial from the State to the federal
court. Any order to show cause why the petition
should not be granted was made by the State judge
having jurisdiction of the case, and no objection
being made, an order was granted transferring the
cause to the United States Circuit Court. Theipapers
in the case were accordingly filed yesterday in the
effice of the clerk of this court.

UNITED STATES COMMISSIONERS' COURT.

Discharged on His Own Recognizance.

Before Commissioner Shields.

The United States vs. Samuel Goodman.—Defendant was arrested about seven weeks ago on a charge of smuggling tobacco, and has been confined ever since in the Ludiow street jall. He was discharged yesterday on his own recognizance to appear before the Grand Jury.

SUPREME COURT-SPECIAL TERM.

Special Notice. On and after Monday next, the 11th inst., throughout the month, the Chambers calendar, being unually large, will be called on at eleven A. M. instead of twelve M., without reference to the hour for which motions may have been noticed. No cause will be set down for any day after the present week.

By order of the Court.

OCT. 4, 1862. CHARLES E. LOEW, Clerk.

SUPERIOR COURT-SENERAL JERM.

What Constitutes a Legal General Term Decision ?

Before Judges McCunn, Monell and Fithian. Parrott vs. The Knickerbocker Ice Company. This was a motion for reargument made by plaintiff. Plaintiff obtained a judgment from which defendant appealed and argued it before a full bench. Two appealed and argued it before a full bench. Two of the judges gave a judgment for reversal, and the third judge certified that he was not consulted by his associates in the matter. The motion is now made on that certificate. It was argued that three judges of a general term must all take part in the decision of a case, and that the only case decided by the Court of Appeals, while it maintains the decision of the majority of the court, does so on the ground that it is the duty of the three judges to consult together before rendering a judgment, and that without record evidence the Court of Appeals will not suppose that the judges have failed in their duty. Decision reserved. Air. De Costa for plantiff appellant, and Mr. Eldridge for defendant respondent. A Squabble About Counsel Fees.

James M. Smith vs. Jacob Duchardt, -This was an action in which Mr. James M. Smith brought suit against a butcher for his counsel fees in obtaining injunctions against the Board of Health. Mr. Smith recovered a judgment against Duchardt, and the appeal is now taken on the ground that the contract for employment and payment of counsel was not a contract between the defendant and Smith, but between the defendant and Smith, but between the defendant and other butchers; that no suit was brought for the defendant, and that the injunction protecting the other signers did not necessarily protect the defendant. Decision reserved.

SUPERIOR COURT-TRIAL TERM. Bult on Premissory Note-Accommodation

Paper. Before Judge Friedman. William B. Hollister vs. Louis Hallen.—This was

an action founded on a promissory note made by defendant to the order of one Joseph Manning, Jr., for \$600. The defence was that the plainting had taken the same after maturity, that it was made for the accommodation of Mr. Manning and that a check for the same amount on same day had been given to for the same amount on same day had been given to
the said Manning. The evidence was voluminous,
and went to show that the parties had had a great
many desings with each other and that a quantily
of notes and checks had been passed one to the
other. The case was elaborately and elongately
summed up by the counses for the administic
was followed by the plantin's counsel. The jury
retired, under a clear and lucid charge of the Court,
and, after an absence of some time, found a verdict
in favor of derendant.

The Court, on motion, gave defendant's counsel
an allowance of five per cent.
Henry Brewster for plaintin, Henry H. Morangs
for defoudant.

SUPERIOR COURT-SPECIAL TERM.

Decisions Rendered.
By Judge Jones.
Moritz Mahler vs. David T. Perie.—Judgment for plaintiff on demurrer, with costs. Ambrose Snow et al. vs. Henry S. Henry .- Judgment for plaintiff on demurrer, with costs.

James Smith et al. vs. Thomas Goodspeed.—Judg

James Shine te the very superstance of the property of the following plaintiff to amend summons and complaint granted on payment of ten dollars costs and five dollars costs of his motion. Charlotte Hassard vs. Herman Jantzer.—Complaint dismissed, with costs, and ten dollars costs of his motion.

harine Barrett vs. Thomas Filzgerald.—Motion

Abraham Hechl vs. Jacob Koehler .- Proceedings

Acranam Hech vs. Jacob Koener,—Froceedings dismissed. Hassard vs. Herman Junizer.—Complaint dismissed, with ten dollars costs of motion and the costs of the action.

Cutharine Remey vs. Richard Jaynes.—Action dismissed and undertaking vacated.

Henry Jantzen vs. Lucy Jadon.—Motion granted.

George Brown vs. J. K. Spatt.—Same.

Charles H. Heimberg vs. Joseph Francy.—Motion amending complaint granted, with sixty dollars

Charles H. Heimberg vs. Joseph Irmay.—Motion amending complaint granted, with sixty dollars Jacob Greentree vs. Samuel W. Rosenstock.—Motion withdrawn by consent.

In the Matter of Julius Openheimer to be Discharged from Custody on Habeas Corpus.—Prisoner discharged.

Charbes Starr vs. Joseph C. Polls.—Motion granted. John W. B. Gould vs. Edward P. Bigelow.—Motion granted and cause reformed.

John Matchoughky vs. James O'Brien, Sherif.—Complaint dismissed, with costs. Property to be returned to the Sherif.

By Judge Friedman.

John J. Waternite vs. Charles Hayman et al.—Motion denied, with ten dollars costs.

John S. Levy et al. vs. Augustus Loch et al.—Motion granted, and receiver appointed.

Rush C. Hawkins vs. George Bliss, Jr.—I am of opinion that the plaintiff's amended complaint states two causes of action in one count. In case the plaintiff desires to rely on both as distinct causes of action he must state them separately; otherwise he must select whether he will rely upon the alleged fraudulent representations of the defendant or upon detendant's negligence, want of care or skill in the exercise of the trust conferred upon him by plaintiff.

COURT OF COMMON PLEAS-GENERAL TERM. The General Term of the Common Pleas has been adjourned until the 25th inst. No jury trials will be

COURT OF OYER AND TERMINER.

Judge Cardozo adjourned this court until this morning at ten o'clock, after having received a large batch of indictments yesterday from the Grand Jury.

COURT OF GENERAL SESSIONS.

Larceny in a Church-Alleged Felonious Assault-Burglary in Harlem. Before Recorder Hackets,
The October term of this court commenced its

The Grand Jury which was summoned for service in this court was discharged for the term, a grand jury being in session in the Oyer and Torminer.

in this court was discharged for the term, a grand jury being in season in the Oyer and Torminer.

George Hammersley, who pleaded guilty to forgery in the third degree on the 4th of August, he having forged a check upon the Tradesmen's National Bank for 3103 50, was sentenced to the State Prison for one year.

Cornelius Hock was placed on trial charged with burniariously entering the Church of St. Teresa, in Ruigers street, on the 1ith of September, and stealing two collection boxes, containing six dollars and twenty cents. As there was a legal doubt in respect to the crime of burgiary, the jury rendered a verdict of guilty of petty larceny. The Recorder seat him to the Pententiary for six months.

James Cooney was charged with stabbing William W. Overton on the night of the 11th of September. The complainant said that the defendant struck him without any provocation, and in the sendle he was cut with a fante. The statement of the accused, who was proved to have an excellent character for sobriety and good behavior, gave a very different complexion to the affair. It appears that he was assaulted by three men and badly bruised, and in self-defence he managed to take from his pooket a small knife which he managed to open with his teeth. The jury, without a moment's assistation, rendered a vardict of not guilty.

Frank Davis, who was jointly indicted with John Martin for burgiarpiously entering the dwellinghouse of George if. Corey in 12th street on the night of the 4th of September, pleaded guilty to burgiary in the third degree. The burgiars managed to get

\$206 worth of wearing apparel. Recorder Hackett gave Davis the full extent of the law, which was five years' imprisonment in the State Prison. Martingwho was balled in the sum of \$5,600, failed to appear, and by order of the Court his ball was fortuted.

following is the calendar for to-day: The reopie w. William Fetterlang, felonious assault and battery; Same vs. Annie Dugan, grand larceny from the person; Same vs. Michael Kelly, grand larceny; Same vs. Casper Brandlett, grand larceny; Same vs. John Thompson and Joseph Johnson, grand larceny; Same vs. William Gledes, grand larceny; Same vs. Lawrence O'Brien, grand larceny; Same vs. Sarah Murray, grand larceny; Same vs. Cardon Beckman, larceny.

CIVIL COURT CALENDARS-THIS DAY.

Civit Court Calendars—This Day.

Court of Apprals—Held by Chief Justice Ward Hunt and a full bench.—Nos. 40, 41, 43, 31, 105, 202, 204, 206, 207, 208, 206, 210, 20, 1, 2.

Oyer and Terminer and Suprame Court—Circut.—Part 1.—Before Judge Intraham. Court opens at ten A.M.—Nos. 1249, 1201, 1639, 624, 821, 1679, 673, 1555, 1243, 1273, 1287, 1975, 1045, 1546, 1548, 200, 607, 1293, 1275, 1461. Part 2.—Before Judge Sutherland. Court opens at haif-past ten A. M.—Nos. 1119, 730, 248, 436, 1889, 833, 836, 1230, 1342, 204, 124, 228, 912, 740, 1238, 968, 968, 1052, 1144, 1150.

Suprame Court—Chambers—Held by Judge Cardezo.—Call for Calendar at cleven A. M.—Nos. 32, 62, 98, 98.

Supramor Court—Chambers—Held by Judge Cardezo.—Call for Calendar at cleven A. M.—Nos. 32, 62, 98, 98.

Supramor Court opens at ten A. M.—Nos. 824, 826, 825, 98.

Marine Court—Trial Term.—Part 1.—Before Judge Barbout. Court opens at ten A. M.—Nos. 823, 824, 825, 780.

Marine Court—Trial Term.—Part 1.—Before Judge Gross. Call of calendar at ten A. M.—Nos. 870, 852, 1012, 8784, 3329, 3343, 2068, 3533, 3548, 8640, 3947, 8676, 3764, 8764, 8744, 8744, 8749, 3760, 3764, 8764, 8764, 8764, 8764, 8765, 876

CITY INTELLIGENCE.

THE WEATERS YESTERDAY .- The following record will show the changes in the temperature for the past twenty-four hours in comparison with the cor-

past twenty-four hours in comparison with the corresponding day of last year, as indicated by the thermometer at Budant's pharmacy, that ALD Building, Broadway, corner of Abn street:—

1868, 1869, 1

To-Night.—Erasius B. Bigelow, President of the National Association of Wool Manufacturers, will deliver an address at the exhibition this evening on the "Wool Industry of the United States."

DEATH FROM SCALDS.-Sarah Maria Wright a child fourteen months old, whose parents reside at 412 East Eighth street, died from the effects of scalds received about two weeks ago by a cup of boiling tea being upset upon her breast. The occurrence was purely accidental. Coroner Schirmer held an inquest on the body of deceased.

FATALLY KICKED BY & HORSE.-Coroner Flynn was yesterday notified to hold an inquest at 111th street, between Fourth and Fifth avenues, on the body of Alexander Melbonald, a man twenty-six years of age and born in Ireiand. On Saturday even-ning McDonald was employed in cleaning his barn, when the animal kicked thin with great violence in the region of the heart, knocking him senseloss, Death cusued soon afterwards. TRAT BULL.-It is reported that no less than three

persons were seriously if not fatally injured by the refractory bull which created such a panic in various thoroughfares north of Wall street on Sunday evening, the details of which appeared in yesterday's HERALD. The names of those injured are John Markham, residing in Monroe street; Luke Carrigan, of Front street, and a young man named McCarthy, of Park row.

Commissioners, held yesterday afternoon, Acting Sergeant Robert Govers, of the Forty-third precinct, was made sergeant and assigned to the Forty-third su-bpreemet. A large number of transfers were made, and among them the following:—Sirgeant Wil-liams, Forty-eignth precinct, to the Fittleth; Ser-geant Temple, of the Fittleth precinct, to the Forty-eighth, and sergeant Ferry, of the Forty-third sub-precinct, to the Forty-third sub-precinct.

FATAL RUNAWAY CASCALTY .- Coroner Keenan held an induced at the Margin and the Assairs.—Coroner Keenan held an induced at the Margin and the Assairs. Each cover, whose death resulted from injuries. Decased was in the employ of Mr. J. T. Smith, or 54 Pine street, and while driving a team attached to a truck in froadway, near Fifty-first street, the horses took fright and threw McKeever with great violence to the pavement, thus indicting fatal injuries. Decased was forty-five years of age and a native of Ireland.

LARCENY OF MONEY .- Alfonso Mattu, a negro steward, thirty years of age, was arraigned at Jefferstoward, thirty years of age, was arratgned at Jesterson Market yesterday by roundsman Rusher, of the Twenty-eighth precinct, upon complaint of Timothy Sullivan, of the steamer Pope Catlin, lying at the foot of Spring street, North river, charged with stealing \$118 in money from him on Sunday. Allonso denied the cherge, but was committed in default of \$1,000 ball to answer was committed in default of \$1,000 ball to answer at the General Sessions,

Society for the Prevention of Cruelty to

ANIMALS.—The meeting of this society which was to have been held yesterday forencon has been postponed until further notice. A very valuable black
horse, the property of Mr. Bennett, of No. 191 Henry
street, was run into yesterday morning by a
butcher's cart at the corner of Nassau and Spruce
streets, and was so badly injured that it was killed
by the officers of the society. Its owner had refused \$400 for it a few weeks previously. The
society have at present sixty cases on hand for
adjudication. In addition to the headquarters of
the society, at the corner of Broadway and Fourth
street, they have branch offices at 30 Willoughby
street, Brooking, under the charge of Mr. A. W.
Snifen; also one in Williamsourg, in South Ninth
street, under the superintendence of Mr. Henry
Edwards. Complaints of cases of cruelty to animals
will be promptly inquired into. The officers of the
society wish the public to understand that the use of
their cart is conduced to cases in which disabled
animals are likely to be restored by proper treatment, and is not intended for the removal of hopoless cases or dead animals.

The College of Pharmacy.—The fortieth annual have been held vesterday forenoon has been post-

THE COLLEGE OF PHARMACY. -The fortieth annual course of lectures of this college was commenced last evening and will continue until the middle of March next at the lecture room of the college, corner of next at the lecture room of the coilege, corner of Waverley place and University place. The lectures on Chemistry, by Professor C. F. Chandler, will be given on Wednesday evenings, from seven to nine o'clock, and Friday evenings, at sight o'clock. The lectures on Materia Medica and Botany, by Professor W. Def. Day, M. D., will be given on Monday and Friday evenings, at seven o'clock. The lectures on Pharmacy, by Dr. Edward R. Squibb, on Monday evenings, at eight o'clock. During the lecture term the professors will accompany the second year students to various manufacturing establishments, where they will be enabled to see many of the operations aliceded to in the lectures, conducted on the large scale. The examination of candidates for the diploma will be neid the first week in March, and the commencement exercises on the third fluraday of the same month. The student who shall pass the most satisfactory examination will receive a prize of fifty dollars.

A Jersey Resident Robbed of 83,400 in Money, Bonds and Jewelry.

According to his own story one Juan De Botte,
who claims to be a resident of Jersey City, has been fated to repeat a very general experience. Some days since he dolefully appeared at the Central Detective Office, and, although abashed by the regal Detective Office, and, attnough absance by the regative furniture of the establishment, managed to pour his sorrows into the sympathizing car of Chief Kelso. It was a plain and exceedingly untarnished tale he delivered. The 5th of September last was with him a memorable spech; for he was drunk that night, and being drunk had wandered to New York and easily scraped up an acquaintance with Fanny Boran and Lizzle Smith, whom he encountered in the street in the course of his rambles. He accompanied them to 110 Chrystie street, and did not leave them until the next day, and when he did, found that he was minus \$1.500 in coin, \$300 in currency, \$800 in jewelry and \$500 in United States bonds, which he declared he had upon his person when he entered the house. He expressed an opinion that he had been robbed by the two women, and Chief Kelso so far coincided that he detailed detectives Yanghan and Simington to look them up. But that was no easy task; for they had disappeared from their usual haunts, and the woman Smith never having been found, it was not until Saturday that Fanny was arrested, and with her one Thomas Dorah, who was suspected of complicity in the affair. The prisoners were yesterday arraigned before Justice Hogan, at the Tombs Police Court, but the case not being ready they were remanded. furniture of the establishment, managed to pour his

THE KNIFE AND THE BLUDGEON.

Ante-Mortem Statements of Two Injured Men.
Coroner Firm was yesterday requested to appear
at No. 483 West Thirty-eighth street for the purpose
of taking the ante-mortem statement of Henry
Metze, represented to be in an extremely critical condition, from the effects of injuries received on the left ultimo by being struck on the head with a carrung. By whom the violence was inflicted or under what circumstances did not appear in the written statement of the occurrence left at the Coroner's office, but it is presumed that the assaliant has been taken into custody.

The same Coroner received information that Jacob

Schneider, a German, living at No. 55 Bayard street, had been stabled in the back and several other parts of the body. Judging from what Sonneider stated at the Coroner's office, he is not in a dunger our condition, the principal object apparently being to cause the arrest of Ernest Roppensock, charged with inflicting the injuries. The inter, it was stated, lives at No. 30 First street. Coroner Frynn will give the matter the attention which it merits.

MUNICIPAL AFFAIRS.

BOARD OF ALDERMEN.

This Board convened yesterday, pursuant to adjournment, with the President, Alderman Coman, in the chair. There was more than a full quorum present, and the members seemed ready to do any with a number of the usual do-nothings who lounge around the City Hail, and who are transported with delight if recognized by an aldermanic nod. After the industrious and rotund deputy of the more unctious clerk, holding the roll-book up over his head, emitingly informed the President that there was a quorum present, and the reader had managed to get through the minutes of reader had managed to get through the minutes of the last two meetings, business progressed about as aroual. A large mainber of papers were introduced and laid over or referred to committees, after which resolutions were adopted, directing as follows:— Pawing Hobert street, Lispenard street, Laight street, Willett street, Broome street, from Norfolk to the Fast river; Attorney street, Thirty-sixth street, from Seventh to Eighth avenue; Forty-first street, from Fourth avenue to Madison avenue, with Beigian pavement, and Maiden lans with wooden pavement; building a sewer in Goerek street, directing the Counsel to the Corporation to take the necessary measures to have Largette place extended southerly to Biescher street, and for regulating and grading a large number of streets in the upper and of the island. The sum of 85,000 was donated to the North-castern Dispensary. A resolution to pave Forty-Second street, from Madison to, Lexagion avenue, was laid over, after which the Board adjourned to Taprsday, at two P. M.

BOATD OF ASSISTANT ALDERMEN.

Streets and Avenues to be Paved With Nic-

olson and Belgian Pavements.
This Board met yesterday afternoon, the Presi dent, Mr. Monaghau, presiding. After the presenta-tion of a few routine papers the "general orders" were reached; but as there was barely a quorum of members present a recess was taken till four o'clock. The Board met again at that hour and received some papers from the other Board, which were laid over

The Croton Aqueduct Department was instructed to pave the following streets with Nicolson pave-ment:-Fifty-sixth street, between Third and Lexto pave the following streets with Nicolson pavement:—Fifty-sixth street, between Third and Lexington avenues; Fiftieth street, between First avenue and East river; Fourteen street, from Eighth to Ninth avenue; Fifty-first street, between Fifth and Sixth avenues; Fire menty-fourth street, between Fifth and Sixth avenues; Fire street, from Broadway to William street; Norolk street, from Bouston to Stanton street; Franklin, from Elm street to Broadway.

A petition of ex-Mayor Gunther directing the Street Department to have Seventy-seventh street, between Fourt and Lexington avenues, paved with Fisk concrete pavement was granted.

The Groton Aqueduct Department was directed to have the following streets and avenues paved with Eciglan pavement;—First avenue, from Houston to Fourteenth street; Thirty-first street, from Lexington to Fifth avenue; Lispenard street, from Froadway to West Eroadway; Thirty-hinth street, from Third to Lexington avenue; Tenth street, from Froadway to West Eroadway; Thirty-hinth street, from Third to Twenty-sixth street; Thirty-socond street, from Third to Fourth avenue.

They were also directed to advertise for bids and contract for paving Fourth and Fifth streets, from the Bowert to Mangin street, with wooden pavement, browded the expense does not exceed \$5 50 per square yard.

Mr. Fischney objected to the passage of the resolutions to pave the above streets with the Nicolson pavement, because it was patented and so expensive that there could be no competition; that it was more expensive and less durable than the Beigian pavement, that the property owners do not sake for it, and that Governor Rollman, when Mayor, vetoed a similar resolution.

A member said that there were contracts out now for Beigian pavements which it would take to pavement.

DONATIONS.

The Compileries was directed to draw his warrant

The Compirelier was directed to draw his warrant in favor of the following institutions.—
Transurer of the Congregation Ansh: Chesed, \$250.
Transurer of the Congregation Ansh: Chesed, \$250.
Transurer, as, as gradient we employ the hoopital to pay an assessment for opening Madison avenue.
The Cierk was ordered to have the location of the election districts in the various wards of the city published in alithe Corporation papers.
On motion the Board adjourned the Friday at four O'clock. DONATIONS.

THE ROMANCE OF DEATH.

The Schmidt Suicide-Interesting Letters. In the case of Henry Schmidt, the German who committed suicide at No. 794 Fourth avenue on Saturday evening, by blowing his brains out with a pistol, because Miss Lizzte Heinrich, of Hariem, refused to marry him, an inquest has been held by Coroner Keenan. The facts developed at the inquisition are the same in substance as already reported

Parties living in the house where deceased boarded had repeatedly heard him threaten to take his life in case the young lady to whom he was so devotedly attached should refuse to marry him.

Below will be found a copy of a letter written by deceased to Lizzle after she had declined to become his wife, and also her missive to him setting forth the reasons for her declination:—

his wife, and also her missive to him setting jorth the reasons for her declination:—
HONORED MR. SCHMIDT—It grieves me very much to inform you that it is my intention no longer to continue our acquaintance. I shall frankly state to you my reasons. When you last came to see me you saked me how much money i had. You did not come because you loved me, but to fuquire about money. I now tell you planly that I have no money, and am a poor but honorable girl, and when a man, wishes to marry he ought not ask for gimoney, but Mr. Schmidt, that you will rubus and adhecated girl. Those, while the seed of the

THE NORWALK (CONN.) BANK ROBBERY

How the Robbery Was Discovered-Where the Rebbers Entered the Bank-Careless-ness of Watchmen-Two Strangers Sas-

developed some rather curious features. No one in the village-not even the night watch-knew anything of the robbery until a farmer brought to town some tin boxes belonging to the bank, which he had found early on that morning in a vacant lot about a quarter of a mile south of the village. The boxes were begrimed with powder and slove in and bruised by the efforts of the robbers to force them open. The appearance of the interior of the cank upon being opened the morning after the robbery has already teen described. Subsequent examination has shown that the burglars entered through a rear door leading from the directors' room examination has shown that the burglars entered through a rear door leading from the directors' room to the yard. The lock of this door seems to have been easily picked, and opening it the burglars were in front of the vanit, the doors to which had a Butterworth lock, which they burst with powder. To hide their nefarious doings with provide the burglars had brought with them large pieces of cloth, with which they hung the windows to prevent the light they used from being seen from without. There were two explosions beard by several persons residing in the neighborhood—one at half-past three and the other at about four o'clock in the morning. Just before the latter explosion two watchmen had put out the gastight in front of the bank and moved up Wall street. They met a party of young men a culte noisy proceeding towards the bank building, and about the time they mignt have reached it the watchmen heard the sound of the explosion and of failing of broken glass; they returned and found the glass on the sidewalk and on the porch of the bank building. Surmising this to have been caused by a stone thrown by the noisy party they looked about for it, and not discovering it went away. At this time the robbers were in the bank busy gathering their spoils. Another account says that the officers of the bank received the first intimation of the robbery was perpetrated, arrived at the Connecticut Hotel, Norwalk, and took a room for the night when the robbers was perpetrated, arrived at the Connecticut Hotel, Norwalk, and took a room for the night was a respectable appearance. Early next morning they paid their buil and took the train for New York. Their appearance is described as tollows:—One of them.

five feet nine inches, weighed in the vicinity of 145 ponnes, with sandy mustache, thin, short side whiskers, dark cost, light pants, drab hat, with bread black band. The other five feet six or seven inches, light complexion, twenty years of age, smooth face, light brown or green eneck pants.

It should be stated that the assertion in the first report, that the safe was built of Frankhute hold, was not correct, as that material did not enter into any part of its construction.

THE SPANIARDS AND CUBANS IN NEW YORK. What Both Parties Are Doing-The Euterpe

and the Spanish Mosquito Flect. The position of the United States with reference to the Spanish government is exciting great attention. Lawyers are overhauling Vattel and Wheating, spice are about, and the general public are deeply interested. The intimations in yesterday's despatches from Washington as to the course of the Cabinet created a good deal of excitement, and people are anxiously inquiring what next!

Since the arrest of the leaders of the Cubans in this city by the United States authorities efforts have been made by the principals stationed here in the interests of the Caban revolution, but great care has been taken to keep within the law. All that has been done by the Junta in support of the Cuban army has been managed with the view of not embrolling the United States authorities in international difficulty. The fitting out of the Nornet (now the Cuba) and other ve.34's of the Cuban expeditionary force was so managed as not to disturb the peaceful relations existing between our government and the Spanish ferency.

It now seems that the steamer Euterpe, still lying at pier No. 20, will be the cause of serious complica-tions. She is owned by Mallory & Co., the builders of the fitteen Spanish gunboats at Mystic, Conn., and when taken up by the agents of the Madrid goveroment was in the New York and Galveston line. She is a small propeller of 792 tons measurement and 1,000 tons burden, is commanded by Captain Gates, and saits ten knots an hour under fevorable circumstances. It should be said that she flies the Stars and Stripes. On Wednesday last she took on board at Cold Spring thirty-one 100-pounder Parrott guns at Coid Spring thirty-one 10c-pounder Parrott guns and 3,500 shot and shell in cases, and atcamed down to New York the same evening under the surveillance of a revenue cutter. The claporate notice given her in the Hersallo attracted the attention of the entire country, and she is now, much to the actonishment of her owners and crew, as famous as the Sunter or Alabama. It would scent that the United States authorities are in a perfect modele concerning the matter. There are few who have not heard of the showman who attracted attention to his caravansary by yelling. "Here, ladies and gentlemen, you have Daniel in the Hon's den. Daniel does not care a 'darn' for Daniel." This, it would seem, is the position of Marshai Barlow towards the Spanish government, and of the Spanish regency towards the United States authorities. Both parties are afraid to act decisively. The government at washington has given official sanction to the exposition of International law on the matter which appeared in the Herallo, and is not disposed to offer obstacles to the departure of the Euterpe.

Telegraphic despatches were sent to the White House in rapid succession from the Marshal's office on Saturday and on yesterday, but there are abundant reasons for believing that no answers were returned. President Grant was content to let things take their course. Secretary Fish had no disposition to modele himself.

The Euterpe has not received a clearance from the Custom House, and probably will not for some days. She is guite ready for sea, and only awaits a govand 3,600 shot and shell in cases, and steamed down

take their course. Secretary Fish had no disposition to middle himself.

The Euterpe has not received a clearance from the Custom House, and probably with not for some days. She is guite ready for sea, and only awaits a governmental wink to start, in the meantime the Cubans chuckle. The first mention of the Cubans and an American waters, has produced a profound sensation. Anticipating the action of the United States government, orders were telegraphed to Havans yesterday for a man of-war to convoy the Entorpe to Cuba; and probably before ten days are over, should the general povernment maintain its attitude of masterly inactivity in the meantime, the singular spectacle will be presented of an American ship, flying the American colors, steaming from an American port with aid and comfort for the enemies of America, convoyed by a Spanish man-of-war. The Cubans say that the Spanish may have the guns and the shot and shell and welcome, as long as the gunboats are detained. Without the boats the guns would be useless. Morro Castle and the other forts protecting the entrance to Havans already bristle with guns of superior caubre. There is no count for others, and a superior caubre. There is no count of others, and a superior caubre. There is no count of others, and a superior caubre. There is no superior the United States authorities and to run the boats out of the harbor in the same manner in which it is supposed certain Cuban vessels got an offing. The Junta, however, are very watchful, and if the United States maishnist equities are neglecting of their duty the unitring and revengeful energy of the republican agents will be sufficient to frusurate all and every attempt to violate the law.

One of the Spanish gunboats will be ready in a few days, and an attempt will be made

Spanish government. In conversation with a prominent Cuban officer at present in this city a Herald
reporter was informed yesterday that Spanish gold
was very weighty in Washington, and that not one
of the statements made in the despatch alluded to
had any foundation in fact. However, it may temporarily deceive the readers of the journals which
published it. The despatch is thoroughly understood by journalists.
Colonel J. Whitehouse Byron, the galiant commander of the Irish Legion in the late war, an
American citizen, who was left in a British prison
merely because he was an Irish-American, is preparing a heavy dose of saits for the Spaniards, in the
interest of America, and will soon commence operations. The operations conducted under his direction will be exclusively published in the Herald,
it is well known to a few that before the Euterpe
leaves the harbor of New York such combinations
will be perfected by the Cuban as will leave the
independence of the Cuban republic beyond conjecture.

IMPORTANT LAWSUIT IN ST. LOUIS.

The Chantean Estate-Bogy and Tesson Versus

The Chentean Estate—Bogy and Tesson Verons
(From the St. Louis Democrat, Oct. 2.)

This case, which is still pending in the Probate court, has attracted considerable attention. We have aircady stated the main points in the case, and now give some additional facts, received from one of the parties interested in the suit:

The facts in this case, as we understood them, as developed on the trial are as follows:—Mr. Peter Chouleau, who died in the early part of September, 1856, appointed by his will Messrs. Bogy, Tesson and Charles P. Chouleau his executors. The personal property of the testator consisted mostly of railroad bonds and securities, bearing interest, and which at the time of his death were in the city of New York. He was also a member of the first of Peter Chouleau, Harrison & Valle and of the firm of Peter Chouleau, Jr., & Co. The bonds were brought back from New York—amounting to \$1,200,000—some time in February. These bonds were brought back from New York—amounting to \$1,200,000—some time in February. These bonds were divided by the three executors between Mr. Charles P. Chouleau and Ars. Monat, the two legatees of said Chouleau, in the first sottlement made by the executors the receipts of these parties were filed. A final settlement is now about being made, and Mr. Charles P. Chouleau, one of the executors, files his separate account, in which he says that there have been no receipts of disbursacheness line the first settlement. Bogy and Tesson contend that all the monay received from the firm of Chouleau, Harrison & Valle and from France of Chouleau, Harrison & Valle and from the firm of Chouleau, Harrison & Valle. Boyy and Tesson contend that all the monay received from the firm of Chouleau, Harrison & Valle. Boyy and Tesson contend that one-half of the amount of the assets of Peter Chouleau, Jr., & Co. amounts to \$400,000, and \$100,000 and \$

CURE OF THE INSANE.

Great Philanthropic Institution-The New Hedson River Hospital for the Instanc. A meeting of the Board of Managers of the new-ospital for the instanc, in the course of erection near Pougnkeepsie, was held a few days since, when the following historical statement, descriptive of the structure, and other interesting matter, was ented to the Board of Managers by Dr. Cleve-

In the spring of 1866 the Legislature authorized the appointment of commissioners to select a suitable location for the Hudson River State Hospital for the lineane. In January of the following year the commissioners reported to the Legislature that they had received from the citizens of Dutchess county, as a free gift to the State, a site consisting of 206 acres near the city of Poughkeepsie, and fronting upon the Hudson river. The site thus generously presented to the State was purchased by the citizens of Dutchess for the sum of \$85,009. The location, as respects the eastern tier of counties which comprise the hospital district, is geographically central, easily accessible by river and railway, and distinguished for its salubrity and commanding beauty.

The following gentlemen constitute the Board of Managers:—Messrs. A. W. Paimer, William Kelly, Cornelius R. Agnew, Amissa J. Parker, Edward L. Beadle, George Clark, Joseph Howland and W. C. Ecnedict.

Cornelius R. Agnew, Amass J. Parker, Edward L. Beadle, George Ciark, Joseph Howland and W. C. Enendele.

DESCRIPTION OF THE NEW BUILDING.

A brief description of the plan of the Hidson River hospital and an account of some of the embarrasments attending its construction we trust may not prove wearisome.

The general form of the hospital buildings is that of an extended V, the point of the letter representing the central eddice, frontung westward, and the lines the two wings, which, however, do not recede in oblique straight lines, but fail back in successive offsets at right angles with the direction of the main front, so that in each wing there are three longated and portions roming north and south, and two transverse portions running east and west. The direct distance between the extremes of the wings is about 1,400 feet, while the central building is about 500 feet in advance of the rear line.

The hospital is planned to accommodate about 200 patients of each sex, the wards for men, constituting the entire wing to the south, and the wards for the central building, which is devoted to the various departments of general management. The chapel is placed between the wings and in the rear of the central building, so that patients of one sex are prevented from looking into the wards or yards of patients of the other sex. The kitchen and general service department is located in the rear of the chapel.

The department for each sex consists of four wards on the chapel.

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The department for each sex consists of four wards on the principal floor, four wards on the each ward on the third floor, and an infirmary on the third floor separated entirely from the rest of the wards.

Each ward is fournished with a hall and fire-proof staircase on the front line of the putting, and roads of approach are intended to be arranged so as to give a separate access to the entrance hall thus attached to e

The wards for the more excited patients are fur-

building.

The wards for the more excited patients are furthest removed from the central building, and have bedrooms only on one side of the corridors. For the sake of economy this plan is not followed throughout, bedrooms being placed on both sides of the corridors in the wards for quief patients. In the portions of the building thus arranged open spaces are left in the centre of the front line of each section for light and circulation of air. These spaces, marked "Ombra" on the plans, are intended also to be used by patients in mild weather for open air exercise, in immediate connection with the wards to which they are attached.

It will be observed that in the wards containing bedrooms on both sides of a corridor the living rooms, in a wateries, &c., are arranged on one side only of a separate corridor that runs at right angles to a bedroom section. Every ward, in addition to its dormitories, is provided with a living room of large dimensions, having windows on three sides of it; a dining room, with pantry attached, communicating by liffs with the basement corridor connecting with the service department; a lavalory, a room in which a patient may be thoroughly washed from head to foot, either in a sitting or standing posture, the whole floor and the sides of the room for six inches in height being made watertopt, and fitted with a wash pipe; a bathroom, with the bath placed in the centre of the apartment, and with screened in the centre of the apartment, and with screened in the centre of the apartment, and with screened in the centre of the apartment, and with screened attendant; a literal and a sink for the use of the stream for either and clothes room, and a dirty linen shaft large enough to be used for hotstway purposs.

convoyed by a Spanish man-of-war. The Cubans say that the Spanish may have the guns and the shot and shell and welcome, as long as the guns and the shot and shell and welcome, as long as the guns would be useless. Morro Castle and the other forts protecting the entrance to Havana already bristle with guns of superior calabre. There is no found that a great effort will be made to get the thirty Spanish gunboats to sea. Preparations are now being made to ignore the United States and the same manner in which it is supposed certain the same manner in which it is supposed certain between the law.

One of the Spanish gunboats will be ready in a few days, and an attempt will be made to run her to sea in the face of the naval authorities of the linked States. Her officers say that the United States Marshal's office is "fixed?" that no opposition will be offered to the sailing of the gunboats, and that the Spanish goose hangs at a splendid alltude. Between the intrigues of the Spanish and Cubans there is trouble alteral and the watcht in order to prevent violations of the laws of neutrality and consequent complications with foreign governments.

The Associated Press despatch from Washington yesterday accusing the Cubans of treachery towards foreigners and Americans in their service caused intense excitement among the friends of the yeng overnments.

The Associated Press despatch from Washington yevernments are provided for, as slown on the plan, in a detached building on a levery washing room from the wards on the river. Redrooms for the servants are provided for, as slown on the plan, in a detached building will be placed intense excitement among the friends of the young republic in this city, and all are asking for proof of wat its apparently asserted the the literest of the Spanish government. In conversation with a prominent Cuban officer was informed yesterday that Spanish gold are the kitchen department. Workshops for intense excitement among the friends of the young republic in this city, and all are asking for p

by the service department and workshops. In each wing a cold air shaft, running under the principal floor and connected with the fauroom, is arranged to carry fresh, cold air by means of separate fues to every room in every ward, and in winter steam heat is intended to be applied on the basement level at the points of junction at which the vertical flues branch from the general horizontal air shaft. Ventilating flues are provided for the different rapartments, and terminate in chimneys or under ridge-roofs.

Each wing is connected with the central building through a one-story corridor, to which a conserva-

vertical dues tranch from the general horizontal air shaft. Ventilating hues are provided for the different apartments, and terminate in chimners or under ridge-roofs.

Each wing is connected with the central building through a one-story corridor, to which a conservatory or plant cabinet is atlached. It is intended that this structure should be furnished with shrubs and plants of a somewhat hardy character, so as to present at this available point a pleasant general effect to patients and visitors, without any great exponse for maintenance. It may be observed in this connection that on entering the building the view through the window across the hall is terminated by the detached chapel, and that generally it has been thought a matter of considerable importance to secure a cheerful, liberal draft impression in connection with the main entrance to the building.

The board room is on the principal floor of the central building are designed for the medical and other offices for the medical department, and for the steward and magich. The upper stories of the central building are designed for the medical and other offices for the medical department, and for the steward and magich. The upper stories of the central building are designed for the medical and other offices for the medical department, and for the structure and window heading with bits stone introduced sparingly to increase the plan. The materials to be used are hard North river brick, with a better quality for face work. Only stone has been chosen for strings and window heading, with bits effect. The basement will be constructed entirely of blue stone ashlar work if the most effectual manner, firegroof stairways will be constructed entirely of blue stone ashlar work refer to the extractive will be made bright of the refer of the structure will be made introduced for the safety of partners and the skill be arrived to the cream of the structure will be made bright and in the same of the walls.

Were upon the lossess of the swall openings, she challed the st

five per cent higher than it now is. Of course com-parisons must be made with reference to local wages, which are ruled by these paid in New York city, and which are far beyond anything dreamed of in more retired districts.

city, and which are far beyond anything dreamed of in more retired districts.

NEED OF PROMET APPROPRIATIONS.

Much of the effort to prosecute the work in the most economical and advantageous manner has, we regret to say, been neutralized by the policy adopted by the Legislature in its appropriations. The fact seems to have been overlooked that an expenditure too small to effect its purpose in reality deteats it, and that false economy is only another name for the worst sort of extravagance. It is evident that the speedy completion of the mospital would bring speedy returns from the money invested, and that so far as its influence extended the increasing tide of pauperism resulting from neglected memalisease would be arreated, its speedy completion would, moreover, insure a ve y considerable diminution in the cost of materials and in incidental expenses.

would, moreover, insure a ve y considerable dimination in the cost of macerials and in incidental expenses.

Unfortunately the small amount accorded by the Legislature is robbed of much of its value by the delay of the appropriation until the very close of the session. The managers cannot be certain that any appropriation will be made and when it is an inolated the spring is half gone. Then plans must be prepared, and later still materials ordered, stone quarried, tumber cut, bricks burned, and all the delays encountered which are includent to the filling of orders sent late into a crowded market. The most favorable senson for building is occupied with the necessary preliminary arrangements for commenting work, and when the work which should have been one of the way in July actually begins in earnest, the sun is declining and autumn frosts and storms and shortening days have arrived. These evils can only be avoided by legislative appropriations to cover two successive years.

That a hore liberal and business-like policy should be inaugurated in regard to this institution is not a matter personal to any of its officers, except as incy desire to have the service, they render a take State and to the humane cause they represent made more effectual. It is a matter, however, which laterests every taxpayer in the district for the benealt of which this hospital is established.

There is no moneyed or political interest to maintan agenta at Albany to tesse committies errein in us behalf. Measures more strengously arged will crowd its casins asked unless the proble votce shall call for what the public welfare requires.

BROOKLYN INTELLIGENCE.

NEW SCHOOL HOUSE.-The foundation stone of a new school house was laid yesterday by Rev. Father Fitzpatrick, on Kent avenue, near Willoughby. The structure, which is to be of Philadelphia brick, with brown stone trimmings, is 110x83 feet, and will cost \$75,000.

HEAVY SENTENCE FOR ARSON,-John McGucken. an ex-member of the Volunteer Fire Department,

an ex-member of the Volunteer Fire Department, was sentenced to the Pentientiary for seven years vesterday by Judge Troy, in the Court of Sessions, for setting fire to the house of Hose No. 1, North Sixth street, E. D.

Succide.—Yesterday morning a man named John Printee, a resident of Prospect street, near Hadson avenue, while laboring under a fit of temporary aberration of the mind yesterday morning comunited suicide by jumping into the river at the foot of Hadson avenue. His body was recovered and the notified Coroner.

DEATH OF AN ACTRESS.—A Widow, about twenty-four years of age a Mrs. Etzgerald died at her

four years of age, a Mrs. Fitzgerald, died at her residence, No. 71 Main street, yesterday, from the residence, No. 11 Main street, yesterday, from the effects of an overdose of morphine. She had been in the habit of taking opium, and swallowed the poison in mistake. Deceased was connected with a ballet corps now performing at one of the leading New York theatres. Kennedy, who was arrested on Saturday night charged with stabbing Thomas Fallon, while drink-

ing with him in the flank cyster house, Fulton street, was arraigned before Justice Walsh yesterday and heid in the sum of \$2,000 ball to await the action of the Grand Jury. In the report of this afray published in yesterday's Branard it was erroneously stated that the dispute took place at the City oyster house. BIDS FOR STREET PAVING .- The following bids were opened yesterday at the office of the Water and Sewerage Commission:—Henry street, between and Sewerage Commission:—Henry street, betweer Fution street and Fourta place—Nicoison Favement Company, \$5: A. Miller, wooden pavement, \$5: Thomas McCann. Eastern granite, \$4 25; Belgian, \$2 80; C. Guidet. Eastern granite, \$5: Belgian, \$3 80; per square yard. Flatbush avenue between Fution avenue and Prospect Park—Nondison, \$5: A. Miller, \$5: Thomas McCann. Belgian, \$3 75; East-Sta. Miller, \$5: Thomas McCann. Belgian, \$3 75; East-Sta. Miller, \$6: Thomas McCann. Belgian, \$3 75; East-Sta. Miller, \$6: Thomas McCann. Belgian, \$3 75; East-Sta. Miller, \$6: Thomas McCann. Belgian, \$3 35; Whilam \$3: McCann. \$4: B. Sweeny, \$4 25; T. McGuligan, \$3 32; Whilam Sweeny, \$3 37; B. E. Gray, \$3 19; W. Mogk, \$5 73—all for Belgian pavements.

BINDS TOURTE DOADD OF SEPERVISORS Meeting Yesterday Afternoon-Figurein

Resolution.
The regular weekly meeting of this Board was held yesterday afternoon, Supervisor Geborn in the chair. A communication was received from the engineer of the Raymond street jail calling attention to the fact that the boilers of that building were in a dangerous condition. The subject was referred t the jatt committee.

A large number of reports were received from the several committees on special and local taxes, and on general taxes, recommending the several committees on special and local taxes, and on general taxes, recommending the adoption of resolutions requiring the clerk of the Board of Supervisors to add the amounts contained therein in apportioning the moneys to be raised by taxation upon general property in the annual tax levy. For the maintenance of the Board of Health the sum of \$30,882 was voted. The amount fixed by law and to be caused to be raised by the Board of the sum of \$30,882 was voted. The amount fixed by law and to be caused to be inserted in the levy, as required by the sect, the ronganized Fire Lepartment for 1850 was directed to be inserted in the levy, as required by the sect, the sum being \$250,050. For repriring and constructing roads and bridges in the town of flatbush the sum of \$6,050 was added to the quota of that town. For the same, repairs and improvements in New Utrecht \$5,182 will be added to the quota of the latter county town. The Mayor and Comptroller, in accordance with the requirements of the law making it incumbent upon them to ascertain the state of the deciency in the water revenue to pay the cause of the deciency in the water revenue to pay the cause of the deciency in the water revenue to pay the cause to the fine the sum of \$76,800 necessary for the payment of the interest on that deat. The water revenue is now sufficient to pay this latter lighting. For general expenses of the water and sea-cage Commission, \$45,000, making the total amount to be raised in the budget for water expenses \$121,800.

The Committee on Local Taxes reported in favor of raising \$4,000 for Kings county Panade Ground purposes, to be expended under the direction of the Board of Park Commissioners.

The County Treasurer was directed, by resolution, to issue checks in payment for the construction of the Board of Park Commissioners.

The commissioners of Newton bridge improvement and the same official was also authorized to borrow \$00,000, on certificates of indebtedness, for building a wall about the Pantontiary building.

The commissioner

which amounts is \$4,553, Queens

A committee of three members of the Board was appointed to examine and report as to the condition of Newtown creek bridge and the repairs, if any,

required.
The County Treasurer was authorized to land certificates of indeptedness for \$46,000 for furnishing boilers for the county buildings.
The Board anorthy after adjourned for one week.

BASE BALL NOTES.

The return game between the Empires and Athletes will be played on the grounds of the latter, at Washington Heights, on Thursday. Both clubs will no doubt be out in full strength, and a good game

may be expected.
On Monday, 12th inst., the Emptres will hold their on Monday, 12th inst., the Empires will hold their regular quarterly meeting at The Study. Ensiness of importance will be brought before the meeting, and a full attendance is extractly requested.

The Atlantice and Unions, of Morrisanis, will play to morrow at the Union Park grounds, Melrose.

The Sensation of the week, next to the Empire-Athlete game, will be the game for the championship on Satarday next between the Atlantics and Eckfords, at the Union grounds.

The Gramercy him will give the Locusts a shake to-day at the Union Park, Metrose, and tas Orious will have a tilt with the Unions, of Hudson City, at that place—weather parmitting.

At the Capitoline to-morrow the Athlettes, of Brooklyn, and the Powhatans will have a bour, and as they are of about equal calibre the game will, no doubt, be a very good one.

On Saturday, while the Atlantics and Eckfords will be contending for the championship of professionals at the Union grounds, the Stars and Championship on 150 Capitoline.

MILITARY NOTES.

The Adjutant General has issued a special order concerning the charges preferred against General Postley by Major Wm. H. Schultz, in which he de-Postley by Major Wm. H. Schultz, in which he decides that no sufficient grounds exist for ordering a court of inquiry, and dismisses the complaint.

Somebody or other is rather undecided as to the review on the cit mat. There have already been three orders issued relative to it, each one revoking some portion of its immediate predecessor. The last one, dated the list, orders the full review to be dispensed with, and the troops to assemble as follows, the line of march being down fifth avenue to Thirteenth street, the passing in review to take place to Fourteenth street.—Pirst brigade infaniry, on West Twenty-third street; Second origade infaniry, on West Twenty-third street; Third brigade infaniry, on West Twenty-first street; Fourth brigade talantry, on West Twentieth street; First brigade cavairy, on West Nineteenth street.